

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 MALCOLM BROOKS,

4 Plaintiff

5 v.

6 BRIAN T. MOYNIHAN, et al.,

7 Defendants

Case No.: 2:18-cv-01104-APG-BNW

**Order Accepting Report and  
Recommendation and Dismissing Case**

[ECF No. 10]

8 On December 2, 2019, Magistrate Judge Weksler recommended that I dismiss this case  
9 because plaintiff Malcolm Brooks has not complied with the court's order or taken any other  
10 action in the case. ECF No. 10. Brooks did not object. Thus, I am not obligated to conduct a de  
11 novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts  
12 to "make a de novo determination of those portions of the report or specified proposed findings  
13 to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)  
14 (en banc) ("the district judge must review the magistrate judge's findings and recommendations  
15 de novo *if objection is made*, but not otherwise" (emphasis in original)).

16 I THEREFORE ORDER that Magistrate Judge Weksler's report and recommendation  
17 (ECF No. 10) is accepted and plaintiff Malcolm Brooks' complaint (ECF No. 1-2) is  
18 DISMISSED without prejudice. The clerk of court is instructed to close this case.

19 DATED this 19th day of December, 2019.

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22 ANDREW P. GORDON  
23 UNITED STATES DISTRICT JUDGE